

# Domestic and family violence

## Planning for safety

This infosheet examines your options if you have experienced violence from a partner, family member or informal carer. It offers suggestions for developing a safety plan to protect you (and your children) as well as information about services that may be able to offer you support.

### What is domestic and family violence?

Domestic and family violence is the term given to abusive behaviours used by one person to control and dominate another person within a relationship. In the majority of cases, the victims of domestic and family violence are women.

Domestic and family violence is occurring when someone you are currently, or used to be, in a relationship with (such as marriage, de facto, same sex, dating, family or informal care) makes you feel unsafe by using any or all of the following behaviours:

- Uses words or actions to intimidate or harass you
- Tries to control your actions or stop you seeing your friends and family
- Causes injury to you or harms you in any way
- Damages your property

- Forces you to have sex
- Threatens you or your property.

### You are not alone

Domestic and family violence happens to people in every age group, of every income or educational level, and from any religious or cultural background.

Many people who experience domestic and family violence are afraid to admit how serious the abuse is. You may feel ashamed, guilty or blame yourself in some way. You might also be concerned about your children witnessing or being subjected to the violence.

In many cases the person who is being abusive blames the other person. It is important that you refuse to take the blame. No matter what reasons anyone gives, there is no excuse for abuse. Being abused is not a normal part of a relationship and the person who is using violent, abusive behaviour is responsible for their own actions.

Keeping abuse a secret is dangerous because it could become more frequent or get worse. Promises to stop do not usually mean an end to the abuse. It is very difficult for abusers to recognise and admit that they are abusive. Even with professional help, it may take a long time to change their attitudes and learn new behaviours.

### Women's Infolink

Women's Infolink provides an information and referral service about health, safety, financial security and equity issues for Queensland women. It offers information about Office for Women programs, seminars, events, grants, fact sheets and publications.

Monday to Friday 8am to 6pm

Women's Infolink 1800 177 577

[www.women.qld.gov.au](http://www.women.qld.gov.au)

Telephone Translator Service 13 14 50

TTY (07) 3877 8226

### Infosheet series

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## You have a right to feel safe

Making the decision to leave or to stay in a violent relationship can be very difficult, but the physical and emotional safety of you and your children must come first.

As well as the immediate risk to children's wellbeing, those who grow up in violent homes often come to believe that violence and abuse are a normal part of relationships. They may become abusive adults or accept abuse from someone else in a relationship.

If you are being abused, there are things you can do to change the situation. Sorting out your choices can be hard work, but it is worth it, and there is support available to help you.

## I am experiencing domestic or family violence - what can I do?

### Get emergency help

If you fear for your or your children's safety, or if you have been sexually assaulted, ring the police on 000.

If you need help to find a women's refuge, contact *dvconnect* on 1800 811 811. This is a 24-hour service that provides confidential support, telephone counselling, information, advocacy and statewide referral to refuges and community-based domestic and family violence services.

### Talk to someone about what is happening to you

Whatever your situation, it is always helpful to talk to someone you trust and get information so you can make informed decisions. There are services available that can offer you confidential support and assistance. You may wish to talk to a supportive friend or family member, a social worker, minister of religion or a health professional as a first step. There is also assistance available for the abusive person to help them change their behaviour.

It may be helpful to talk to a domestic violence service about what is happening. They can provide confidential support and options to help with your circumstances. It is also important to seek legal advice about your legal rights and options. A Community Legal Service or Legal Aid Queensland can provide you with free information and help on protection orders, criminal charges, separation and divorce, property settlement, and matters involving children.

## Make a safety plan

Every woman who is experiencing abuse needs a safety plan for when she is ready to leave or if she needs to leave in a hurry to protect herself or her children. If you live in a rural or remote area, you may need to consider special ways to deal with being a long way from help.

Your plans may include deciding who you will call and where you can go if you feel unsafe or threatened. You may consider keeping some clothing, medications, important papers, spare keys and money at a friend's place. It is also worth considering a temporary stay at a women's shelter.

The organisations listed on this infosheet can help you prepare a safety plan that is right for your situation. Make sure the person who is violent towards you doesn't see your plan.

## Separate from the violent person

If the situation is not improving and the abusive person refuses to get help, you may want to consider separation. You do not lose your rights to property or your entitlement to financial support by leaving. Your partner cannot dictate what you receive or who your children will live with. In the longer-term, this will be decided by legal agreement or by the court.

## Tell the police

Remember, the police must investigate any complaints of domestic and family violence and they must protect you. They can charge the abusive person with a crime, or they may be able to arrange for a protection order. Police can also help you reach a place of safety.

## Further reading

You can find resources and brochures online that provide clear information and advice. Visit the *dvconnect* website [www.dvconnect.org.au](http://www.dvconnect.org.au) or the Department of Communities website [www.communities.qld.gov.au/violenceprevention](http://www.communities.qld.gov.au/violenceprevention). There are also many self-help books available.

## Protection orders – what you need to know

A protection order is a court order issued by the Magistrates Court. It orders a stop to the abuse and may also limit the violent person's access to you. If the person obeys the order, no criminal conviction will be recorded against them. If they break the order, contact the police immediately.

Office for Women - making things better for Queensland women

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The court can order that the violent person must stop the domestic or family violence affecting you or your children. It can also order that the abuser should not come near your home, your place of work or places you frequently visit; that the abuser should not have firearms or should not damage property. The order can name family, friends or associates who also need protection. A copy of the order is given to the violent person and also to the local police.

Getting a protection order can be an effective way to show the violent person that abusive behaviour is not acceptable and that the law supports your right to be safe.

### Who can apply for an order?

You can apply for an order if you are:

- *in a spousal relationship*. This includes people who are, or have been, married or living together, or who are the biological parents of a child or children (regardless of whether or not you have lived together). It also applies to people in same sex relationships.
- *in an intimate personal relationship*. This includes people who are or were engaged to be married (including those in cultural or religious betrothals), those who are or have been dating and whose lives have become 'enmeshed'. The court will consider the length of the relationship, how often the parties have contact and demonstrated trust and commitment, and the level of intimacy between them.
- *in a family relationship*. This includes people who are related by blood or marriage, such as a grandparent, aunt, uncle, step-parent, brother/sister, cousin, or a son/daughter (as long as they are aged 18 years and over). Family relationships also include relatives of those who are, or have been, in a de facto relationship. A relative can also include a person regarded as a relative under a cultural practice or religious belief, for example, in Indigenous families, where an uncle or aunt of the family may not be related by blood or marriage.
- *in an informal care relationship*. This includes people who provide informal care to someone or who are receiving informal care from someone, usually because they are disabled, ill or suffer from impairment. 'Informal care' means the care is not provided for payment or a fee. However, the carer may receive a carer's allowance from the federal government. Each situation is different but 'informal care' may include help with daily living tasks such as cooking, shopping and bathing, and/or assistance with health care such as giving medicines, operating specialist equipment, managing paperwork and appointments.

An order can also be taken out for you by the police, a solicitor, an adult guardian or someone else who you ask to do it for you.

### How do you apply for an order?

You can apply for a protection order by going to your local Magistrates Court and completing an application form. Domestic violence services listed in this leaflet can also help you with applying for an order. After you lodge your application form, you will be sent a date for the hearing at court.

If you believe you are in immediate danger, you should tell the court staff when you lodge your form so they can arrange to bring your case before the court as soon as possible for a temporary protection order that will protect you until the hearing date for the protection order.

A police officer can apply to a magistrate for a temporary protection order by telephone, radio or other means if you need urgent protection and/or time or distance makes it difficult to get to a courthouse.

### Preparing to go to court

It is a good idea to get help from a lawyer, domestic violence service or the police prosecutor as soon as possible to prepare and present your case in court.

### What happens at court?

When you go to court, the magistrate will hear evidence from both you and your abuser and will decide whether or not to issue a protection order.

Protection orders can contain a wide range of conditions that should suit your individual situation.

The court will be closed to the public while your case is being heard but you are allowed to have a support person with you in court. Some community organisations provide court assistance and support for women in this situation. You could also ask the court staff whether a domestic violence court support worker is available to help you.

### What happens if the violent person does not obey the order?

If the violent person does not obey the protection order, a police officer can either remove them for a short time to allow the situation to cool down or charge them with a criminal offence.

## Parenting after separation

If you have separated and there are children in the relationship, at some stage there will need to be decisions made about residence (where the children will live) and contact (when the children see the parent they do not live with).

The Family Court and the new Family Relationship Centres encourage parents to try to reach agreement on the arrangements for their children after separation. Special provisions are in place to protect you if you are experiencing domestic or family violence, which can include exemption from any mandatory mediation or conferencing. It is important that you tell a staff member at the Centre or seek legal advice about any safety concerns you have for yourself or your children at the earliest possible opportunity.

### Managing children's contact

Handing over children for contact with their other parent can be a problem if you have left an abusive relationship, as it is often a time when abuse happens again.

You should think about ways to manage this without putting yourself at risk. For example, you could arrange for the children to be picked up from a friend or relative, at a contact centre or a public place.

When making or varying a protection order, the magistrate has the power to change the terms of your existing contact order, but you should check with a solicitor about whether these laws apply to you. If the terms are not changed, the contact order overrides the protection order and you must still obey the contact order.

The other way to make changes to a contact order is to apply to the Family Court for a variation. When making orders in relation to children, the Family Court must take domestic violence into account, including whether or not there is a protection order.

### Take action now

Everyone deserves respect and a life free from fear and abuse. Even though you may be afraid, there is support available. You can begin by making a phone call.

## Contacts

### Women's Infolink

For referral to a service nearest to you.  
1800 177 577

### Office for Women 'Find a Service'

Online service locator of more than 2000 government and community services for women. [www.women.qld.gov.au/findaservice](http://www.women.qld.gov.au/findaservice)

### Domestic violence services

#### dvconnect - Domestic and Family Violence Access and Support Service

Free, confidential telephone counselling, information and Queensland-wide refuge referral.

1800 811 811 (24 hours a day)

#### Immigrant Women's Emergency Support Service Brisbane

(07) 3846 3490

### Counselling

#### Lifeline Counselling

Australia-wide 24-hour service  
131 114

### Free legal advice

#### Aboriginal and Torres Strait Islander Women's Legal and Advocacy Service

1800 442 450 and (07) 3844 2450

#### Community Legal Services

See website for contacts across the state  
[www.qails.org.au](http://www.qails.org.au)

#### Legal Aid Queensland

1300 651 188

#### North Queensland Indigenous Unit

1800 244 506

#### North Queensland Women's Legal Service

1800 244 504, Cairns (07) 4041 0066,  
Townsville (07) 4772 5400

#### Women's Legal Service

1800 677 278 and (07) 3392 0670

### Information for families

#### Family Relationship Advice Line

A national telephone service to assist people from families affected by relationship or separation issues.

1800 050 321

1800 numbers are free unless from a mobile phone and 13 and 1300 numbers are at local cost unless from a mobile phone.